

§Appl. No. 09/381,903
Amdt. dated July 21, 2004
Reply to Office Action of April 21, 2004

REMARKS

The claims have been amended to recite that the recombinant allergen is a “modified recombinant gramineae allergen.” It is believed that these changes overcome the rejection set forth in the Office Action dated April 21, 2004. These amendments do not change the scope of the claim since it would have been clear from reading the specification that this was their intended scope. It furthermore believed that the skilled worker would have similarly construed the claims to comprise modified recombinant gramineae allergens – without the attached amendments. Thus, the amendments simply clarify the claims, without affecting their scope.

Claims 11, 15 and 16 and others are open-ended as indicated by the recitation of the term “comprising.” The claimed pharmaceutical composition can therefore comprise other ingredients, including “active” compounds. Therefore, claim 16 merely makes express, what would have been understood from the claim language. Cancellation of this claim therefore would have no affect on the scope of the broad claims upon which it depends (as well as any other pending claim) since they clearly are open-ended and can further comprise any other agent, active or inactive.

Moreover, it is noted that the skilled worker would understand what additional active compounds could comprise the claim, e.g., adjuvants, other grass pollen allergens, other unrelated allergens, etc.

It is also urged that the rejection is inappropriate since Claim 16 is an original claim, and original claims constitute their own description. See, e.g., *In re Koller*, 613 F.2d 819, 204 USPQ 702 (CCPA 1980); M.P.E.P. 2163. (See, also, Page 22, lines 9-10, of the specification, referring “additional active compounds and/or auxiliary substances, for treating IgE-mediated allergies.”)

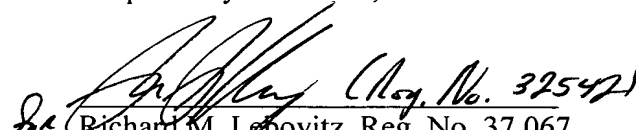
In that this is a full and complete response to the Office Action of April 21, 2004, Applicants respectfully request that this application be allowed and passed to issue. If the Examiner for any reason feels that a personal conference with Applicant's Attorneys might expedite prosecution of this

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application, the Examiner is respectfully requested to telephone the undersigned locally.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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RML/jmj